

Before the
Federal Communications Commission
Washington, D.C. 20554

In the matter of)	
)	
Amendment of Section 73.202(b))	
FM Table of Allotments,)	
FM Broadcast Stations.)	MB Docket No. 02-106
(Presque Isle, Michigan))	RM-10416
)	
(Harrisville, Michigan))	MB Docket No. 02-108
)	RM-10418

REPORT AND ORDER
(Proceeding Terminated)

Adopted: December 14, 2005

Released: December 16, 2005

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it "Motions for Leave to Withdraw and Dismiss Petition[s]" filed by Northern Paul Bunyan Radio Company ("Petitioner") in this consolidated proceeding. Previously, we issued a multiple docket *Notice of Proposed Rule Making*¹ in response to Petitioner's separate petitions for rule making to allot: (1) Channel 227A at Presque Isle, Michigan and (2) Channel 226A at Harrisville, Michigan. A counterproposal was filed by Northern Michigan Radio, Inc., ("NMRI") licensee of Station WFDX(FM),² which conflicts with both the Presque Isle and Harrisville proposals.

2. It is the Commission's policy to refrain from making an allotment to a community absent an adequate expression of interest. By filing its requests for withdrawal and dismissal, Petitioner has demonstrated that it has no continuing interest in the proposed allotments. Petitioner states that it has not been paid or promised, either directly or indirectly, any consideration for the withdrawals. No other party has expressed an interest in applying for the proposed allotments. The counterproposal filed by NMRI which proposes *inter alia* the reallocation of Channel 223C1 from Atlanta, Michigan to Vanderbilt, Michigan, and the modification of Station WFDX's license to reflect the change of community, is also being dismissed. In *Pacific Broadcasting of Missouri, LLC*, the Commission announced that it would no longer accept proposals that would remove a community's sole local operating service and replace it with a vacant allotment.³ As such, NMRI's counterproposal is defective because it proposes to allot Channel 282C3 at Atlanta, Michigan as a "backfill" to prevent the loss of that community's sole local transmission service.

3. Accordingly, IT IS ORDERED, That the Petition for Rule Making filed by Northern Paul Bunyan Radio Company, requesting the allotment of Channel 227A at Presque Isle, Michigan in MB Docket No. 02-106, RM-10416, IS DISMISSED.

¹ See *Presque Isle, Michigan and Harrisville, Michigan*, 17 FCC Rcd 8816 (MB 2002).

² At the time of filing, the station's prior call sign was WBYC-FM.

³ *Pacific Broadcasting of Missouri, LLC*, 18 FCC Rcd 2291 (2003) *recon. denied* 19 FCC Rcd 10950 (2004).

4. IT IS FURTHER ORDERED, That the Petition for Rule Making filed by Northern Paul Bunyan Radio Company, proposing the allotment of Channel 226A at Harrisville, Michigan in MB Docket No. 02-108, RM-10418, IS DISMISSED.

5. IT IS FURTHER ORDERED, That the counterproposal to MB Docket Nos. 02-106 and 02-108 filed by Northern Michigan Radio, Inc., IS DISMISSED.

6. IT IS FURTHER ORDERED, That MB Docket Nos. 02-106 and 02-108 ARE TERMINATED.

7. This document is not subject to the Congressional Review Act. The Commission, is, therefore, not required to submit a copy of this Report and Order to Government Accountability Office, pursuant to the Congressional Review Act, *see* 5 U.S.C. Section 801(a)(1)(A) because the proposed rule was dismissed.

8. For further information concerning this proceeding, contact Helen McLean, Media Bureau, (202) 418-2738.

FEDERAL COMMUNICATIONS COMMISSION

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